

R277-110 received final approval by the Utah State Board of Education on July 14, 2017. R277-110 is published in the August 15, 2017 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of September 21, 2017.

R277. Education, Administration.

R277-110. ~~[Legislative Supplemental]~~ Educator Salary Adjustment.

R277-110-~~[2]~~(1). Authority and Purpose.

~~[A.](1) This rule is authorized by:~~

~~(a) Utah Constitution Article X, Section 3, which vests general control and supervision ~~[of]~~over ~~[P]~~public ~~[E]~~education in the Board~~[-]~~;~~

~~[Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and]~~

~~(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and~~

~~(c) Subsection 53A-17a-153(~~[6]~~5) which authorizes the Board to make rules ~~[regarding]~~ to administer the educator salary adjustment~~[s]~~ program.~~

~~[B.](2) The purpose of this rule is to outline a consistent method for enacting educator salary adjustments in accordance with Section 53A-17a-153~~[-Educator Salary Adjustments]~~.~~

R277-110-~~[4]~~(2). Definitions.

~~[A. "Board" means the Utah State Board of Education.]~~

~~[B.](1) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "[~~(C)~~CACTUS~~(Y)~~]" has the same meaning as defined in Subsection R277-512-2(1). ~~[means the electronic file maintained on all licensed Utah educators. The file includes information such as:~~~~

~~—— (1) personal directory information;~~

~~—— (2) educational background;~~

~~—— (3) endorsements;~~

~~—— (4) employment history;~~

~~—— (5) professional development information; and~~

~~—— (6) a record of disciplinary action taken against the educator.]~~

~~[C.](2) "Educator" ~~[means a teacher or other individual as defined by the Utah State Legislature]~~ has the same meaning as defined in Subsection 53A-17a-153(1).~~

~~[D.](3) "Educator Salary Adjustment~~[s]~~" or "Adjustment" means ~~[salary increases paid annually in equal amounts to educators as defined in 53A-17a-153(1) and specified in R277-110-3C and D.]~~ funds allocated by the Board to an LEA in accordance with Subsection 53A-17a-153(3).~~

~~[E.](4) "LEA" ~~[means a local education agency, including local school boards/public school districts, charter schools, and,]~~ includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.~~

~~[F. "USOE" means the Utah State Office of Education.~~

~~—— G. "USDB" means Utah Schools for the Deaf and the Blind.]~~

R277-110-3. Procedures.

~~[A.](1) ~~[Each]~~An LEA shall:~~

~~(~~[1]~~a)(i) have employee evaluation procedures consistent with Title 53A, Chapter 8a,~~

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Public Education Human Resource Management Act; or

(ii) [schools] if an LEA is exempt from [Title 53A, Chapter 8a] the requirements of Subsection (1)(a)(i), [shall] have employee evaluation procedures in place to [participate in the Program and] receive funds under Section 53A-17a-153[.];

([2]b) put the [Educator Salary A] adjustment appropriation into the LEA's salary schedule each year that [an educator salary adjustment is] funds are appropriated by the Legislature;

([3]c) ensure the amount of the [Educator Salary A] adjustment is the same for each eligible full-time-equivalent educator position in the LEA;

([4]d) ensure that each eligible employee who is not a full-time educator receives a proportional salary adjustment based on the number of hours the employee works in [his] the employee's current assignment as an educator; and

([5]e) ensure that each educator who receives an [salary] adjustment has received a satisfactory or above job performance rating in [his] the educator's most recent evaluation concluded in the school year prior to the year for which the adjustment is made[.];

(2) Notwithstanding Subsection (1)(e), an LEA may grant an adjustment to a new hire[s are considered to have met this requirement by] who has successfully [completing] completed the position hiring process and [being] been selected for an educator position.

[B.](3) Once an educator qualifies for an adjustment in a designated school year, the adjustment becomes an ongoing part of the educator's salary.

[C. Educators in the following assignments shall receive salary adjustments of \$2500 and \$1700 and benefits as designated annually:

- (1) a classroom teacher;
- (2) speech pathologist;
- (3) librarian or media specialist;
- (4) preschool teacher;
- (5) mentor teacher;
- (6) teacher specialist;
- (7) teacher leader;
- (8) guidance counselor;
- (9) audiologist;
- (10) psychologist; or
- (11) social worker as defined in 53A-17a-153(1).]

(4) An educator shall receive an annual adjustment of \$4200 based upon legislative funding allocations.

[D.](5) A [S]school building level administrator[s] shall receive [salary] an annual adjustment[s] of \$2500 and benefits as [designated annually] provided in Subsection 53A-17a-153(7).

[E. The educator shall be licensed, employed by an LEA and hold a current license issued under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act.]

[F.](6) Each LEA shall annually note on the appropriate salary schedule:

([1]a) the amount of the [E]educator [S]salary [A]adjustment;

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~~([2]b) the positions qualifying for the adjustment; and~~
~~([3]c) [that an educator or administrator received a satisfactory or better performance rating required to receive the adjustment]~~ performance rating requirements in accordance with Subsection 53A-17a-153(4)(c).

~~[G.](7) Each LEA shall [document satisfactory]~~ annually maintain record of performance ratings for an educator receiving an adjustment in accordance with this rule [annually].

~~[H.](8)(a) The [USOE] Superintendent shall remit to LEAs[;] an estimated educator salary adjustment allotment through monthly bank transfers and allotment memos beginning in July of each year[; an estimated educator salary adjustment amount to be adjusted in November of each year to match the number of qualified educators in the CACTUS data base system].~~

(b) The Superintendent shall adjust the allotment amount in November of each year to match the number of qualified educators in CACTUS.

~~[I.](9) An [A]adjustment[s] to CACTUS made after November 15 [of each year shall]may not count towards [the]an LEA's amount for [E]educator [S]salary [A]adjustments until the following year.~~

~~[J.](10) An LEA may not include [E]educator [S]salary [A]adjustments [may not be included] when calculating the weighted average compensation adjustment for non-administrative licensed staff.~~

[R277-110-4. Reports.

~~—— A. LEAs shall maintain adequate accounting records to submit an annual report summarizing the uses and recipients of Educator Salary Adjustment funds to USOE each year by November 1 on USOE-designated forms.~~

~~—— (1) LEAs shall:~~

~~—— (a) maintain the information by program and;~~

~~—— (b) carry over any unused balances within the program for use in the following year.~~

~~—— (2) Reports shall balance with amounts reported on the AFR (Annual Financial Report) and the APR (Annual Program Report).~~

~~—— (3) Failure to submit the required reports on a timely basis may result in withholding of LEA funds until the report is submitted in an acceptable format and is complete, or may render the LEA ineligible for participation in the Educator Salary Adjustment program the following year.~~

~~—— (4) Failure to remedy allocation of funds not in accordance with Section 53A-17a-153, Educator Salary Adjustment, and R277-110, Legislative Supplemental Salary Adjustment, shall also result in withholding of LEA funds for the Educator Salary Adjustment program until an appropriate remedy is implemented and verified.]~~

KEY: educator, salary adjustments

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401[(3)];

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53A-17a-153([6]5)